

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re: BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff,

Plaintiff,

v.

CAROL NELSON,

Defendant.

Adv. Pro. No. 10-04658 (SMB)

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff,

Plaintiff,

v.

CAROL NELSON, Individually and as Joint
Tenant; and STANLEY NELSON, Individually
and as Joint Tenant,

Defendants.

Adv. Pro. No. 10-04377 (SMB)

**DECLARATION OF DAVID J. SHEEHAN IN SUPPORT OF TRUSTEE'S
MOTION TO STRIKE BERNARD L. MADOFF, ENRICA COTELLESA-PITZ, AND
AGATHA M. COLE FROM DEFENDANTS' PROPOSED WITNESS LIST**

I, DAVID J. SHEEHAN, declare the following:

1. I am a Partner with the firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee’s motion to strike Bernard L. Madoff, Enrica Cotellessa-Pitz, and Agatha M. Cole from the proposed witness list served by counsel for defendants Carol Nelson and Stanley Nelson.

3. Attached hereto as Exhibit 1 is a true and correct copy of Defendants’ Proposed Witness List, dated May 1, 2019.

4. Attached hereto as Exhibit 2 are true and correct copies of the Trustee’s Initial Disclosures, dated July 15, 2014; the Trustee’s Amended Initial Disclosures, dated December 29, 2015; and the Trustee’s Second Amended Initial Disclosures, dated March 14, 2016 as served in both *Picard v. Nelson*, Adv. Pro. No. 10-04377 (SMB) and *Picard v. Nelson*, Adv. Pro. No. 10-04658 (SMB).

5. Attached hereto as Exhibit 3 are true and correct copies of Defendants’ Initial Disclosures, dated July 15, 2014; Defendants’ Amended Initial Disclosures, dated September 1, 2015; Defendants’ Amended Initial Disclosures, dated February 10, 2016 as served in *Picard v. Nelson*, Adv. Pro. No. 10-04377 (SMB) and Defendants’ Initial Disclosures, dated April 30, 2014; Defendants’ Amended Initial Disclosures, dated September 1, 2015 as served in *Picard v. Nelson*, Adv. Pro. No. 10-04658 (SMB).

6. Attached hereto as Exhibit 4 are true and correct copies of the email sent to me from Sarah Howell of Chaitman LLP, copying Helen Chaitman and Jennifer Allim also of

Chaitman LLP, dated April 30, 2019 at 1:23 pm, attaching Defendants' cover letter notifying Enrica Cotellessa-Pitz of the subpoena commanding her to appear and testify at the consolidated trial for the above-captioned adversary proceedings, and the subpoena itself, both dated April 23, 2019.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746(2).

Date: New York, New York
May 3, 2019

/s/ David J. Sheehan

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Substantively Consolidated SIPA Liquidation
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LLC and the Chapter 7 Estate of Bernard L.
Madoff*